

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:09CR362
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MARCO ZAVALA-MORENO,)	
)	
Defendant.)	

This matter is before the court on defendant's application to proceed in forma pauperis on appeal, Filing No. 57. Defendant has been convicted of an immigration and a weapon offense after a plea of guilty. Filing No. 52. He has filed a notice of appeal. Filing No. 56. The court previously determined that defendant was financially unable to obtain an adequate defense. See Filing No. 6, Order Appointing Counsel. He later retained counsel who represented him in these proceedings. Filing No. 20, Notice of Appearance.

A party who was determined to be financially unable to obtain an adequate defense in a criminal case may ordinarily proceed on appeal in forma pauperis without further authorization. Fed R. App. P. 24(a)(3). Defendant's application to proceed in forma pauperis shows that he remains indigent, notwithstanding his ability to obtain retained counsel. Defendant is presently incarcerated. See Filing No. 57, Application and Affidavit; Filing No. 10, Financial Affidavit (sealed).

The court finds defendant has shown that he is unable to pay fees and costs or to give security therefor. Furthermore, defendant seeks to appeal his criminal conviction and sentence and is entitled to seek that redress. Accordingly,

IT IS ORDERED that defendant's motion for leave to appeal in forma pauperis (Filing No. 57) is granted.

DATED this 3rd day of August, 2010.

BY THE COURT:

s/Joseph F. Bataillon
CHIEF DISTRICT JUDGE